

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 10 Cr. 553 (SHS)
: :
– against – : NOTICE OF MOTIONS *IN*
: *LIMINE* ON BEHALF OF
: DEFENDANT MONDHER BEJAOU
: :
MONDHER BEJAOU, : (filed electronically)
: :
Defendant. : :
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PLEASE TAKE NOTICE, that upon the annexed Declaration of Joshua L. Dratel, Esq., and the accompanying Memorandum of Law, the defendant, MONDHER BEJAOU, will move before the Honorable Sidney H. Stein, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order:

- (a) requiring the government to immediately disclose any exculpatory material in its possession, in particular with regard to the reasons for the October 10, 2010, dismissal of Mr. Bejaoui's New York State harassment case, *People v. Mondher Bejaoui*, Case No. 06397-2007, pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963);
 - (b) excluding, pursuant to Rules 401, 402, 403, and 404(b), FED. R. EVID., any evidence during the government's case-in-chief regarding Mr. Bejaoui's New York State case that resulted in a dismissal; and
- for any such other and further relief as to the Court seems just and proper.

Dated: January 18, 2013
New York, New York

Respectfully submitted,

/S/ Joshua L. Dratel
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Attorney for Defendant Mondher Bejaoui

To: THE HON. SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK